IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

TUESDAY, THE 27TH NOVEMBER 2007 / 6TH AGRAHAYANA 1929

WP(C).No. 34483 of 2004(E)

PETITIONER:

K.N.NARAYANAN NAIR,
ANAND TOURIST HOME, NEAR BUS STAND,
PIRAVOM, ERNAKULAM DT.

BY ADV. SRI.JOSE ABRAHAM

RESPONDENTS:

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1. THE KERALA FINANCIAL CORPORATION,
VELLAYAMBALAM, THIRUVANANTHAPURAM REPRESENTED
BY ITS MANAGING DIRECTOR.

2. THE DEPUTY TAHSILDAR (RR),
THE KERALA FINANCIAL CORPORATION,
KALOOR, KOCHI-17.

3. THE REGIONAL MANAGER,
KERALA FINANCIAL CORPORATION,
KALOOR, KOCHI-17.

4. THE BRANCH MANAGER, KFC,
PERUMBAVOOR BRANCH, S.N.D.P. BUILDING,
P.P.ROAD, PERUMBAVOOR, ERNAKULAM DT.

BY ADV. SRI.PARAMESWARAN NAIR,SC.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 27/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 TRUE COPY OF THE JUDGMENT DATED 23.8.2001 IN OP 25025 OF 2001 OF THIS HON'BLE COURT

EXT.P2 TRUE COPY OF THE JUDGMENT DATED 5.11.2001 IN OP 30731 OF 2001

EXT.P3 TRUE COPY OF THE STATEMENT OF ACCOUNT SUBMITTED BY THE PETITIONER DATED 26.8.2004

EXT.P4 TRUE COPY OF THE OTS OFFER SUBMITTED BY THE PETITIONER DATED 29.11.2003

EXT.P5 TRUE COPY OF THE JUDGMENT DATED 16.7.2004 IN CCC NO. 1023/02

EXT.P6 TRUE COPY OF THE COMMUNICATION NO. KFC/PBVR/1593/04 DATED 6.10.2004

EXT.P7 TRUE COPY OF THE REGISTERED LETTER NO. KFC/PBVR/RECY/1763/04 DATED 15.11.2004

EXT.P8 TRUE COPY OF THE STATEMENT ACCOUNTS ISSUED BY THE RESPONDENTS UNDER COVER OF EXT.P8 LETTER.

EXT.P9 TRUE COPY OF THE ENHANCED OFFER OF OTS SUBMITTED BY THE PETITIONER DATED 25.11.2004

RESPONDENTS' EXHIBITS: NIL.

TRUE COPY

P.S. TO JUDGE.

C.N. RAMACHANDRAN NAIR, J.

W.P.C. NO.34483 OF 2004

Dated this the 27th day of November, 2007

JUDGMENT

This W.P.C. is pending in this Court for the last three years. Petitioner had filed two earlier O.Ps. and one Contempt Case in the same matter. On going through the records, I find petitioner's request is only for grant of OTS benefit. It is seen that OTS benefit granted by the KFC was not accepted by the petitioner. According to the petitioner, he is entitled to more benefit under the OTS scheme. W.P.C. was admitted and this Court directed payment, subject to result of judgment. Time for payment was also extended on two occasions. Stay granted by this Court expired on 6.1.2005. Both the parties have not confirmed to this Court about the present position. In the circumstances, W.P.C. is closed. However, if recovery is not made, there will be direction to the KFC to grant OTS benefit under the present scheme to the petitioner, provided petitioner makes payment within the time granted by the KFC under the OTS scheme.

(C.N. RAMACHANDRAN NAIR)
Judge